CERTIFICATE OF MAILING

T& TRADE

MAY 0 6 2002 hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Confinissioner for Patents, Washington, D.C. 20231.

> Stephen C. D'Amico Type or print name

Sianature

May 1, 2002

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

WESTPHAL ET AL.

APPLICATION NO: 10/029,677

FILED: DECEMBER 21, 2001

FOR: NUCLEIC ACID MOLECULES AND POLYPEPTIDES FOR A

HUMAN CATION CHANNEL POLYPEPTIDE

Attention: Box Missing Parts **Assistant Commissioner for Patents** Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

The Notice to File Missing Parts of Application - Filing Date Granted dated March 1, 2002 (a copy of which is enclosed) has a shortened statutory time set to expire on May 1, 2002.

In response, applicants now submit an original or copy of a fully executed Declaration and Power of Attorney. Please charge the \$130 surcharge fee under 37 CFR §1.16(e) to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

A duplicate copy of this letter is provided for charging purposes.

Respectfully submitted,

Bristol-Myers Squibb Company Patent Department P.O. Box 4000 Princeton, NJ 08543-4000 (609) 252-5289 Date: May 1, 2002

Stephen C. D'Amico Agent for Applicants Reg. No. 46,652



United States Pagent and Trademark Office

MAY 0 6 2002 &

COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE Washington, D.C. 20231

www.uspto.gov

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/029,677

12/21/2001

Ryan S. Westphal

D0187 NP

Date Mailed: 03/01/2002

CONFIRMATION NO. 3323

FORMALITIES LETTER

OC000000007560427

23914 STEPHEN B. DAVIS **BRISTOL-MYERS SQUIBB COMPANY** PATENT DEPARTMENT P O BOX 4000 PRINCETON, NJ 08543-4000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(I) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase Patentin Software, call (703) 306-2600
- For Patentin Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

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A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/029,677	12/2	21/01 WESTPHAL, ET AL.	D0187 NP

STEPHEN B. DAVIS
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON, NJ 08543-4000
At LOCATION SCIENCE SCIENCE
PRINCETON SCIENCE SC

DATE MAILED:

PATENT & TRADEMARK OFFICE

MAILED

APR 2 6 2002

IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FILE STIMULEW FORMAL REQUIREMENT WILL BE ISSUED

The subject matter of this application appears to:

be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

□"have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency (ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example must appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 306-4191.

PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE ATTENTION OF LICENSING AND REVIEW

The following is an example of an acceptable property rights statement. Statements of this type are, of course, only suitable for situations in which NO Agency funds or other considerations were involved in the making or conception of the invention. While this example is in the form of a declaration, a sworn document is equally acceptable. I (We)_____ citizens of _____ residing at declare: That I (we) made and conceived the invention described and claimed in patent application: Serial Number filed in the United States of America on (Check and complete either I or II below) (Check III and/or IV below as appropriate) ☐ I. (For Inventors Employed by an Organization) That That to the best of my (our) knowledge and belief: I (we) made and conceived this invention while employed □ III.The invention was not made or conceived in the course of, or in connection with, or under the terms of any the invention is related to the work I am (we are) employed contract, subcontract or arrangement entered into with or to perform and was made within the scope of my (our) employment duties; That the invention was made during for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and working hours and with the use of facilities, equipment, materials, funds, information and services of Development Administration or the Department of En-(name of employer) Other relevant facts are -AND/OR-☐ IV.The invention was not made (conceived or first ac-That to the best of my (our) knowledge and belief (and/or) tually reduced to practice) under nor is there any relationbased upon information provided by_____ ship of the invention to the performance of any work under any contract of the National Aeronautics and Space Ad---OR--ministration. ☐ II. (For Self-Employed Inventors) That I (we) made and conceived this invention on my (our) own time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are _____ The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statments and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon. Inventor's Signature: Post Office Address: _____ Inventor's Signature: Post Office Address: Date: ____